IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4721 OF 1993

Shri Jagdamba Vividh Karyakari
Sahakari (Vikas) Seva Sanstha, .. Petitioner
Vs
State of Maharashtra and ors. .. Respondents
Mr S.V.Sadavarte, for the petitioner.
Mr S.K.Chichlikar, AGP for the respondents.

CORAM : D.B.BHOSALE,J.
DATE : 21.9.2005.

PC:

1. Heard the learned counsel for the parties.

2. The petitioner has made the following prayers:-

"(b) the order dated 22/9/1993 passed by the Hon'ble Minister of Cooperation, Maharashtra State, be quashed and set aside;

(c) The respondent no.3- Registering authority be directed to hear and decide the proposal of the respondent no.4-society on its own merits and after affording the petitioner-society reasonable opportunity in accordance with law;

(d) pending the hearing and final disposal of this writ petition, restrain the respondent no.3 from passing any order on the proposal of the respondent no.4- herein."

This Court, while admitting the writ petition, had granted an interim order in terms of prayer clause (d). In view of the interim order, it appears that respondent no.3-Assistant Registrar has not passed any order in respect of the registration of the proposed respondent no.4-society. Though the petition states that the order dated 22.9.1993, as referred to in prayer clause (b)

passed by the Minister, in fact, is not an order but it was a request letter written to the Deputy Registrar, Co-operative Societies to register respondent no.4 -society. In view of the interim order passed by this Court in terms of prayer clause (d), the proposal of respondent no.4-society for its registration remained pending for all these years. In my opinion, interest of justice would be served if respondent no.3 is directed to decide the proposal of respondent no.4-society on merits in accordance with law after giving an opportunity of being heard to the petitioner. Hence, the following order.

(i) Respondent no.3 is directed to decide the proposal of respondent no.4-society for its registration, if still pending, after giving an opportunity of being heard to the petitioner as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. The writ petition is, accordingly, disposed of. Rule made absolute accordingly.

(D.B.BHOSALE, J.)